

WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING

March 3, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, March 3, 2009 at 7:00 p.m. in the Wethersfield Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

As Chairman Joseph Hammer was excused from the meeting, Commissioner Roberts called the meeting to order at 7:05 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum)

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman			✓
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk	✓		
Thomas Harley	✓		
Robert Jurasin	✓		
Frederick Petrelli			✓
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes (alternate)			✓
David Drake (alternate)	✓		
Thomas Dean (alternate)	✓		

Also present: Peter Gillespie, Town Planner
Denise Bradley, Assistant Planner.

Commissioner Roberts noted that there were 7 full members and 2 alternates in attendance at the time of roll call. All members present to participate.

Recording Secretary's Note: The meeting was **not** recorded due to tape machine malfunction.

2. OLD BUSINESS

There was no old business.

3.0 NEW BUSINESS

3.1 PUBLIC HEARING - APPLICATION NO. 1650-09-Z Omnipoint Communications, Inc. (T-Mobile) Seeking Site Plan and Design Review for a modification to a telecommunications antenna on an existing tower with associated equipment cabinets at the base located at 100 Executive Square.

Jennifer Young Gaudet spoke on behalf of the application. Ms. Gaudet said that Omnipoint wants to

add 3 antennas and one cabinet to existing frames on the Executive Square Building. She said that the agenda incorrectly indicated that the antennas are proposed for an existing tower. She said there are already 6 antennas on 3 frames on top of the building. She said adding 3 would make 9 antennas in 3 locations. Ms. Gaudet said that antennas and a cabinet were previously approved, but were not constructed. She said that the proposal would expand existing capacity, and that Omnipoint is also known as T-Mobile.

Commissioner Jurasin asked what is the difference between the previous application and the current one. Ms. Gaudet said that the current application is for virtually the same things, except that the telecommunications cabinet will be smaller than the one previously approved.

Commissioner Knecht asked if there would be problems like there were previously with noise from loose installation. Ms. Gaudet said that every effort would be made to install the equipment properly, and Omnipoint would fix anything immediately, if needed.

Commissioner Homicki asked what is the expected life of the equipment, and what is the approximate cost. Ms. Gaudet said that she was not sure of the expected equipment life. She said that usually the equipment remains useful for a long time, so changes are usually to add antennas or cabinets for more capacity. Ms. Gaudet said that she did not know the equipment costs, but believes the installation will cost around \$5,000 - \$10,000.

Commissioner Roberts reminded the members that there is no public hearing for this application, so they could proceed straight to voting.

Motion: Commissioner Jurasin motioned to approve the application as submitted.

Second: Commissioner Harley seconded the motion.

Vote: 9 - 0 - 0

Aye: Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake, Dean
Nay: None
Abs: None

Application approved.

4. OTHER BUSINESS

Agenda Item 4.1 C.G.S. § 8-24 Review No. 15-09-MR - Review of the five-year Capital Improvement Program.

Present to answer questions about the Capital Improvement Program were Les Cole, Chairman of the Capital Improvement Advisory Committee, and Tony Martino, Public Works Operations Analyst. Commissioner Knecht asked why the Town expects to get \$1 million in stimulus money. Mr. Cole said that he does not know how much stimulus money the Town will get. Mr. Martino said that the Town put together a list of projects that met the criteria of being shovel ready and could be completed in 180

days.

Commissioner Drake asked about the grant and the Silas Deane Middle School traffic redesign. Mr. Martino said that the grant includes new windows and a cooling system upgrade, and the Board of Education is looking into the traffic redesign.

Commissioner Oickle asked if this is the highest priority of the Board of Education. Mr. Martino said no.

Commissioner Dean asked why the figure is so high and how it related to the letter from Bonnie Therrien. Mr. Martino said that the Town's stimulus project request included \$109 million for renovations of the high school and Hanmer Elementary School. Commissioner Dean asked if any of the renovations would be considered green building projects. Mr. Martino said yes, but he did not know the specifics.

Commissioners Munroe and Knecht asked if funding for schools is a priority in deciding on stimulus awards, and have there been any signs what projects will be approved. Mr. Martino said he did not know whether school projects are a priority, nor has he heard anything about which projects may get funded. He added that the Town just submits a project list, and does not get to prioritize it.

Commissioner Jurasin said that in a budget that is about \$85 to \$90 million, there should be at least \$2 million to maintain capital assets. He said the Town should not count of the stimulus money in case the Town doesn't get any.

Motion: Commissioner Homicki motioned in favor of a positive referral to the Town Council.

Second: Commissioner Drake seconded the motion.

Vote: 8 - 1 - 0

Aye: Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake, Dean
Dean

Nay: Roberts

Abs: None

Positive referral approved.

Agenda Item 4.2 C.G.S. § 8-24 Review No. 14-09-MR - Review of the purchase of the Wilkus Properties.

Lisa Bassani spoke on behalf of the Trust for Public Land. Ms. Bassani said that TPL is a national organization with an office in New Haven. She said that TPL provides support services for conservation land purchases. Ms. Bassani said that TPL has been working with Wethersfield since 2006, when TPL helped draft the language for the bond referendum.

Ms. Bassani said that the 81 acre Wilkus property is comprised of 3 parcels. Two of the parcels are on Willow Street, and the third is on Thornbush Road, adjacent to the Town-owned 1860 Reservoir. She said the purchase price is approximately \$3.5 million, with a closing date of June 15, 2009.

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Ms. Bassani said that TPL applied for a DEP grant on behalf of the Town, and the Town was awarded \$490,000 to purchase the property. She said that the grant requires a state conservation easement for the land to permanently remain as open space.

Commissioner Knecht asked if any appraisals had been done, and whether the land is buildable. Ms. Bassani said several have been done, with the most recent showing the value as \$3.5 million without the house on the property, and \$4 million including the house. She said that the land is zoned as residential, and that the Town has estimated it could support 53 building lots – mostly on the Thornbush Road parcel.

Commissioner Oickle said that the western parcel on Willow Street seems to have a lot of wetland, and asked if it is buildable. Peter Gillespie said that the Town Engineer reviewed the land using the Town's digital geographic information system and the latest Federal Emergency Management Agency floodplain maps. He said that all of the parcels have limitations, but all are developable.

Commissioner Oickle asked if the \$3.5 million price made sense. Peter Gillespie said yes, that the latest appraisal was done last month.

Commissioner Knecht asked what factors were considered in the appraisal. Ms. Bassani said that it goes by comparable sales. That is, similar properties with similar constraints in the current market.

Commissioner Drake asked if the Town intends to accept the DEP grant money. Ms. Bassani said yes. Commissioner Drake asked what limitations come with the DEP grant. Ms. Bassani said that there would need to be an easement requiring public access, but passive recreation, not active recreation. She said passive recreation would include activities such as hiking and bird watching, but not soccer fields. Commissioner Drake asked if that meant anyone could walk on it. Ms. Bassani said yes.

Commissioner Drake asked whether TPL is the buyer and whether TPL gets paid a fee. Ms. Bassani said that TPL is not the buyer, it enters into a contract to perform the due diligence and convey the land to the Town. She said that TPL is a non-profit charity and does not receive money from the transaction.

Commissioner Munroe asked who owns the buildings on the parcel on the east side of Willow Street and whether they would be taken by eminent domain. Ms. Bassani said that the buildings are owned by the Wilkus heirs, but would be part of the purchase and not involve eminent domain.

Commissioner Oickle said that if the Old Reservoir extension were to be built, it would run through this land. He asked whether the Town could still do that after the purchase. Peter Gillespie said he was not sure, but it perhaps could be a negotiating point for the Town Council.

Commissioner Oickle asked if the DEP funds could be rescinded under Governor Rell's state budget mitigation plans. Ms. Bassani said no, it had already been awarded. She said the only problem would be if the deal is not complete by November 2009, the deadline for using the grant money.

Commissioner Knecht asked what activities could be done on the property under the deed restrictions, and how did the appraisal come in so high with such restrictions. Ms. Bassani said that activities would include agriculture, open space and passive recreation. She said the Town could never develop the land, including no schools or houses. She said that the land is zoned residential, so the price must go according to the value as residential land.

Commissioner Jurasin asked if the Town would be required to spend money to create access to the property, such as a trails and a trailhead. Ms. Bassani said no. Commissioner Jurasin said that the situation seems to be more like land banking since it would not be very accessible unless improvements were made. Peter Gillespie said that agricultural activity continues there today, and it is hoped that it continues after the purchase. Ms. Bassani said that there is no requirement for it to stay in use as agricultural land. Peter Gillespie said that the Town did some analysis of the effects on Town services if these properties were developed. Commissioner Homicki said that he believes the memos from town staff, Denise Bradley and Mike Turner, address these issues. Commissioner Jurasin said that he thought that there were several issues identified by the Town Engineer that may need immediate attention, such as sidewalk construction. Peter Gillespie said that many of the Town Engineer's comments would be

appropriate to pass along to Town Council, perhaps through a motion. Commissioner Drake asked if the Town would be responsible for plowing the sidewalks in winter, and Mr. Gillespie said yes.

Commissioner Oickle asked what will happen to the buildings on the parcels. Ms. Bassani said that the Wilkus heirs have expressed an interest in moving the buildings elsewhere if the Town does not want them. Commissioner Oickle asked if the Wilkus heirs will get a tax break because the land will remain as open space. Ms. Bassani said that they would not get a tax break since they would be paid full price. She said they could possibly get a tax break if the heirs sold the land at a bargain price.

Commissioner Roberts said that issues like the ones in the February 27th memo from Mike Turner seem like they should be answered before the purchase and not after. He said that many of the issues appear to mean the need for Town money and staff time. Commissioner Roberts said that the DEP money lowers the Town's cost, but comes with restrictions. Otherwise, the Town could maybe sell a few lots to offset some of its purchase and maintenance costs.

Peter Gillespie said that the bond referendum language also restricts what that money can be used for. Ms. Bassani said that the deal to this point was made with the mutual understanding that the land would be conserved. She said that it is possible that the deal would not go through if the land did not have conservation restrictions placed on it. Commissioner Drake said that he assumes the deal will go through but a clear definition is needed for passive recreation. He said that no one wants soccer fields, but what about a swing set, or a barbeque, or hunting. Ms. Bassani said that there could be no active facilities.

Commissioner Knecht asked if the Town did not accept the grant money, would it be able to sell some land to offset its costs. Ms. Bassani said that it is likely the bond counsel will need to interpret what open space means in the context of the bond referendum language.

Public Comment:

Commissioner Roberts said that there is no public hearing tonight for the Wilkus Properties issue, but that the meeting is open to the public and people may make comments to the Commission.

Mike Phalen, 25 Swing Lane – Mr. Phalen said it was about a year ago when his family found out about the land being up for sale. He said his 11 year-old daughter asked him what would happen to the turkeys, geese and deer. He told her that houses would probably be built. Mr. Phalen said that the land should be preserved as a sanctuary. He said it is a quality of life issue and one of the reasons he lives in Wethersfield. Mr. Phalen said that this is an opportunity of a lifetime for future generations to see what farmland was like. He said his daughter rallied kids a Highcrest School, made up the slogan "Keep the Field in Wethersfield", and contacted elected and government officials about preserving this land. Mr. Phalen said that he wants to be the first to volunteer for an oversight board for the property.

Jim Shumaker, 15 Raynor Lane – Mr. Shumaker said that he is a member of the Wethersfield Conservation Commission. He said that one of the WCC's missions is to survey the residents for issues of importance. He said that the last one was in 2007, but each time one is done, a top issue is open space. He said that the 3 Wilkus parcels are in the top 5 out of about 25 parcels available in town for purchase as open space. Mr. Shumaker said that he is very excited about this opportunity and hopes that the Planning and Zoning Commission will support it.

Bill Knapp, 171 Collier Road – Mr. Knapp said that he is also a member of the WCC. He said the Wilkus property purchase would be a home run for the town. He said that the Wilkus properties are exactly what people had in mind when they were voting during the bond referendum.

Jim Tracy, 241 Broad Street – Mr. Tracey said that this is a phenomenal opportunity, and the citizens have previously spoken loudly that they want open space.

Eileen Kendall, 106 Windmill Hill – Ms. Kendall said that she lives in a house that adjoins the Wilkus property. She said she is surprised that there is discussion tonight about developing some of the land. She said she grew up in the Farmington River Valley, where there were farms, brooks and open land. Ms. Kendall said that such land is a great gift and the bond voters wanted to see it preserved.

Rob Catania, 494 Goff Road - Mr. Catania said that it was little Miss Phalen that brought the land purchase issue to his attention. He said he has lived in that part of Wethersfield for a long time and has seen the demise of 11 dairy farms during that time. He said that he and others are proud to live in a town where not every part of it is developed for the sake of the tax base.

Brian Skehan, 105 Straddle Hill – Mr. Skehan said that he wants to see Wethersfield join in the ranks of the many communities that have successfully preserved farmland in their towns. Commissioner Oickle asked whether Mr. Skehan would like to see the land not left completely open. That is, would Mr. Skehan like to see farming continue, at least for haying. Mr. Skehan said yes, for example, Newington has preserved farmland and has an agreement with a farmer. Bill Knapp added that at least 3 farmers have expressed interest in haying the Wilkus property as the estate does now.

John Miller, 45 Highland Street – Mr. Miller said that the “forever” term bothers him. He agrees with the open space concept, but forever needs to be considered carefully. He said that there could be development off of Willow Street, for example if Glenwood Drive were to be extended, and still have plenty of open space left. Mr. Miller said that he would hate to see 10% of the funding dictate how 100% of the land is used. He said that the Town website says that the Wilkus property would provide access to the 1860 Reservoir, but he believes that access would be difficult. He said that previously there was an opportunity to purchase access, but there was opposition to it. Mr. Miller said that the area needs to have roads through it for safety reasons, perhaps across from Whippoorwill Way. He said that he strongly recommends not accepting the grant money, because he believes that the voters would not have supported the bond referendum if they had known there would be so many restrictions.

Bonnie Therrien, Town Manager – Ms. Therrien said that she had come to answer any questions she could help with. Commissioner Roberts said that there are 9 questions in the February 27th memo that she could perhaps help with, such as what would the operations look like under the definition of open space. Ms. Therrien reviewed the questions in the memo and gave summary answers: the Town would be responsible for installing and maintain sidewalks; hiking would be allowed on the property; farming is allowed but the Town could not charge for it as this would be in conflict with the tax status of the bonds; 4 letters have been received from farmers interested in continuing farming there; the fate of the house, garage and barn is up to the Town Council; the State does not want the buildings, so that will remain a separate parcel; the Town needs to have the buildings inspected; the environmental review is being done by a contractor hired by TPL; the Town would do any access improvements but the money is not budgeted at this time; and the Town would do the Class 2 survey.

Commissioner Drake asked whether the access improvements would be mandatory. Ms. Therrien said no. Commissioner Drake asked if the Town cannot charge for agriculture, could it be done in trade for things like maintenance of the property. Ms. Therrien said yes. Commissioner Homicki said that this sort of arrangement has been made with a farmer for the Eddy and Young Farms in Newington.

Commissioner Knecht asked if the land is not developable, how can the price of \$34,000 per acre be justified? Ms. Therrien said that it is based on the premise that the land could be sold for residential development, and how many homes could be built, the likely prices of those homes, etc. She said that the Town’s analysis showed that the Town would lose about \$200,000 per year in expenses for services compared to the tax income from the land if it were to be developed with homes. She said that the analysis included assumptions such as 2 children per home, but they had not yet figured out whether another school would be needed.

Commissioner Roberts asked what would be the cost of the bonds each year. Ms. Therrien said it would be approximately \$100,000 per year, depending on the exact interest rate.

Commissioner Harley asked what is the difference in the restrictions between the bond ordinance and the State grant. Ms. Therrien said that there are fewer restrictions from the bond ordinance than the grant. She said that the ordinance would allow some construction, the State restrictions would not allow that, trails only. Ms. Bassani said that it has been represented to the Wilkus heirs that the land would be conserved, so that issue would have to be raised with the family.

Commissioner Jurasin asked what does the Town Council think about the State restrictions. Ms.

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Therrien said that the Town Council wanted the State money knowing there were restrictions. She said that she knows the Wilkus family wants open space and to have the property named after the Wilkus family. Commissioner Jurasin asked if going with the bond ordinance language would change the deal with the Wilkus family.

Commissioner Drake said that he does not like the forever part and doesn't understand no price break for preserving the land. He thinks the Town Council needs to evaluate the difference between what the voters saw and the State restrictions. Commissioner Dean said that he agrees with the concept of open space, but is not sure the voters understood the part about in perpetuity. Commissioner Jurasin added that the voters voted on the ordinance the way it was written.

Motion: Commissioner Homicki motioned in favor of a positive report to the Town Council, with the following suggestions:

1. The items outlined in the memo dated February 27, 2009 from Michael Turner, Director of Public Works/Town Engineer should be considered. (See Attached)
2. Evaluate the implications of accepting the State of Connecticut Department of Environmental Protection Open Space and Watershed Land Acquisition Grant in terms of land use restrictions that would be permanently be placed on the property.

Second: Commissioner Jurasin seconded the motion.

Amendment to Motion: Commissioner Roberts recommended amending the motion to include a recommendation that the Town Council considerevaluating the issue regarding access through the Thornbush Road parcel and the potential future extension of Old Reservoir Road. . Commissioners Homicki and Jurasin agreed to this amendment to the motion.

Vote: 8 - 1 – 0

Aye: Roberts, Harley, Jurasin, Munroe, Oickle, Homicki, Drake, Dean

Nay: Knecht

Abs: None

Positive report approved with recommendations.

Agenda Item 4.3 – New Agenda Item: extension request letter from Buck and Buck, LLC, dated February 27, 2009, regarding Application No. 1600-07-Z, 61 Arrow Road, Wethersfield

Motion: Commissioner Homicki motioned to add to the agenda the aforementioned extension request.

Second: Commissioner Drake seconded the motion.

Vote: 9 - 0 – 0

Aye: Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake, Dean

Nay: None

Abs: None

Motion to add agenda item approved.

Motion: Commissioner Oickle motioned to approve the request for a one-year extension to the Special Permit for 61 Arrow Road, granted by the Commission on March 4, 2008.

Second: Commissioner Drake seconded the motion.

Vote: 9 - 0 - 0

Aye: Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake, Dean

Nay: None

Abs: None

Extension request approved.

5. **MINUTES** – Minutes of the February 17, 2009 meeting.
Commissioner Roberts noted suggested revisions to the draft minutes.

Motion: Commissioner Homicki motioned to approve the minutes as amended.

Second: Commissioner Jurasin seconded the motion.

Vote: 7 - 0 - 2

Aye: Roberts, Knecht, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: Dean, Harley (Commissioners Dean and Harley abstained because they were not present at the February 17, 2009 meeting)

Minutes approved as amended.

6. STAFF REPORTS

Peter Gillespie reported that there is an effort to start a farmer's market in the spring. He said the site will be the Keeney Center lawn and will feature about 12 vendors. He said there are no provisions in the Town regulations for such activity, and asked if the Commission wanted to review it or refer it to the Town Council. Commissioner Roberts said that it sounded like an activity that should have a permit with a term, etc. Peter Gillespie agreed. Commissioner Jurasin recommended that there be a public hearing for the activity, but that it be scheduled for the same night as some other public hearing to save on publishing costs.

Denise Bradley said that she needs to know which members plan to attend the annual conference of the Connecticut Federation of Planning and Zoning Agencies at the Aquaturf Country Club on March 19, 2009.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

None.

8. CORRESPONDENCE

8.1 An invitation to the 61st Annual Connecticut Federation of Planning and Zoning Agencies to be held on March 19, 2009.

8.2 A copy of the February 27, 2009 Monthly Economic Development Report.

8.3 A letter dated February 27, 2009, from Doug Ellis of Buck & Buck Engineers regarding Application No. 1600-07-Z (61 Arrow Road).

8.4 A Report on a Referral from the Capitol Region Council of Governments.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

9.1 **PUBLIC HEARING APPLICATION NO. 1648-09-Z Thomas Hulk (Nutmeg Management Corp.)** Seeking a Special Permit for a Change of Use to operate a technical training school at 1290 Silas Deane Highway.

9.2 **PUBLIC HEARING APPLICATION NO. 1649-09-Z Harish Patel** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcoholic beverages (Harry's Wine & Liquors) at 1267-1309 Silas Deane Highway (Goff Brook Shops).

10. ADJOURNMENT

Motion to adjourn at 8:50 PM – by Commissioner Oickle.

Seconded - by Commissioner Munroe.

Vote: 9 - 0 - 0

Aye: Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake, Dean

Nay: None

Abs: None

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary